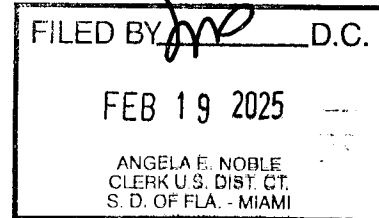


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-20782-MFE



IN RE:

APPROXIMATELY \$731,341.94 IN U.S. CURRENCY
(CATS NO. 24-FBI-007074);

2023 WHITE COLORED CADILLAC ESCALADE SUV,
BEARING VIN 1GYS4LKL0PR555441
(CATS NO. 24-FBI-006744);

2020 BLACK COLORED AUDI S8 SEDAN,
BEARING VIN WAU8SAF81LN011111
(CATS NO. 24-FBI-006743);

2019 WHITE COLORED CHEVROLET SILVERADO 1500
PICKUP TRUCK, BEARING VIN 2GCRNCEKXK1170338
(CATS NO. 24-FBI-006742);

APPROXIMATELY \$12,849 IN U.S. CURRENCY
(CATS NO. 24-FBI-006745);

APPROXIMATELY \$6,016 IN U.S. CURRENCY CONVERTED
FROM FOREIGN CURRENCY (CATS NO. 24-FBI-007090);

APPROXIMATELY \$36,150 IN U.S. CURRENCY
(CATS NO. 24-FBI-007072);

APPROXIMATELY \$4,425 IN U.S. CURRENCY
(CATS NO. 24-FBI-007092); AND

APPROXIMATELY \$2,800.92 IN U.S. CURRENCY CONVERTED
FROM FOREIGN CURRENCY (CATS NO. 24-FBI-007107).

**JOINT MOTION TO ENLARGE TIME IN WHICH TO FILE
CIVIL FORFEITURE COMPLAINT OR CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. § 983(a)(3)(A), the United States of America ("United States") and
GMCN Scrap Metals, Inc., Gerardo Julio Hernandez Rosada, Nicole Hernandez Herrera, Marisol
Hernandez Herrera, and Christian Hernandez (the "Claimant" or collectively, the "Claimants")

(collectively with the United States, the “Parties”) file this Joint Motion To Enlarge Time in Which To File Civil Forfeiture Complaint or Criminal Forfeiture. In support of this Motion, the Parties state as follows:

1. On or about August 29, 2024, Federal Bureau of Investigation (“FBI”) agents seized the below listed assets (collectively, the “Seized Assets”), *inter alia*:

- i. Approximately \$731,341.94 in U.S. currency from various locations within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007074);
- ii. 2023 White colored Cadillac Escalade sport utility vehicle, bearing Vehicle Identification Number (“VIN”) 1GYS4LKL0PR555441 (CATS No. 24-FBI-006744);
- iii. 2020 Black colored Audi S8 sedan, bearing VIN WAU8SAF81LN011111 (CATS No. 24-FBI-006743);
- iv. 2019 White colored Chevrolet Silverado 1500 pickup truck, bearing VIN 2GCRNECXXK1170338 (CATS No. 24-FBI-006742) (the “Chevrolet Silverado”);
- v. Approximately \$12,849 in U.S. currency seized from the Chevrolet Silverado (CATS No. 24-FBI-006745);
- vi. Approximately \$6,016 in U.S. currency converted from foreign currency seized from within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007090);¹
- vii. Approximately \$36,150 in U.S. currency seized from various locations within the business located at 7227, 7229, & 7231 N.W. 79th Terrace, Medley, Florida 33166 (CATS No. 24-FBI-007072);
- viii. Approximately \$4,425 in U.S. currency seized from Gerardo Julio Hernandez Rosada (CATS No. 24-FBI-007092); and

¹ Approximately 5,825 in European Union currency and 30 UAE Dirhams currency was seized and later converted to approximately \$6,016.12 in U.S. currency.

- ix. Approximately \$2,800.92 in U.S. currency converted from foreign currency seized from within the business located at 7227, 7229, & 7231 N.W. 79th Terrace, Medley, Florida 33166 (CATS No. 24-FBI-007107).²

2. The FBI initiated administrative forfeiture proceedings, and sent written notices of seizure to potential claimants in accordance with 18 U.S.C. § 983(a)(1)(A).

3. On or about November 27, 2024, the Claimants, through their undersigned counsel, filed claims to the Seized Assets in the administrative forfeiture proceedings, and the FBI subsequently referred this matter to the United States Attorney's Office for the Southern District of Florida. Specifically:

i. **GMCN Scrap Metals, Inc.** filed claims for the following property:

- a. 2019 White colored Chevrolet Silverado 1500 pickup truck, bearing VIN 2GCRNCEXK1170338 (CATS No. 24-FBI-006742);
- b. Approximately \$12,849 in U.S. currency seized from the Chevrolet Silverado (CATS No. 24-FBI-006745);
- c. Approximately \$36,150 in U.S. currency seized from various locations within the business located at 7227, 7229, & 7231 N.W. 79th Terrace, Medley, Florida 33166 (CATS No. 24-FBI-007072);
- d. Approximately \$4,425 in U.S. currency seized from Gerardo Julio Hernandez Rosada (CATS No. 24-FBI-007092); and
- e. Approximately \$2,800.92 in U.S. currency converted from foreign currency seized from within the business located at 7227, 7229, & 7231 N.W. 79th Terrace, Medley, Florida 33166 (CATS No. 24-FBI-007107).

ii. **Gerardo Julio Hernandez Rosada** filed claims for the following property:

- a. 2019 White colored Chevrolet Silverado 1500 pickup truck, bearing VIN 2GCRNCEXK1170338 (CATS No. 24-FBI-006742);
- b. 2023 White colored Cadillac Escalade sport utility vehicle, bearing VIN 1GYS4LKL0PR555441 (CATS No. 24-FBI-006744);

² Approximately 4,080 in Canadian currency was seized and later converted to approximately \$6,016.12 in U.S. currency.

- c. Approximately \$12,849 in U.S. currency seized from the Chevrolet Silverado (CATS No. 24-FBI-006745);
 - d. Approximately \$36,150 in U.S. currency seized from various locations within the business located at 7227, 7229, & 7231 N.W. 79th Terrace, Medley, Florida 33166 (CATS No. 24-FBI-007072);
 - e. Approximately \$731,341.94 in U.S. currency from various locations within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007074);
 - f. Approximately \$6,016 in U.S. currency converted from foreign currency seized from within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007090);
 - g. Approximately \$4,425 in U.S. currency seized from Gerardo Julio Hernandez Rosada (CATS No. 24-FBI-007092); and
 - h. Approximately \$2,800.92 in U.S. currency converted from foreign currency seized from within the business located at 7227, 7229, & 7231 N.W. 79th Terrace, Medley, Florida 33166 (CATS No. 24-FBI-007107).
- iii. **Nicole Hernandez Herrera** filed claims for the following property:
- a. 2023 White colored Cadillac Escalade sport utility vehicle, bearing VIN 1GYS4LKL0PR555441 (CATS No. 24-FBI-006744);
 - b. Approximately \$731,341.94 in U.S. currency from various locations within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007074); and
 - c. Approximately \$6,016 in U.S. currency converted from foreign currency seized from within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007090).
- iv. **Marisol Hernandez Herrera** filed claims for the following property:
- a. 2023 White colored Cadillac Escalade sport utility vehicle, bearing VIN 1GYS4LKL0PR555441 (CATS No. 24-FBI-006744);
 - b. Approximately \$731,341.94 in U.S. currency from various locations within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007074); and

- c. Approximately \$6,016 in U.S. currency converted from foreign currency seized from within the residence located at 20031 E. Oakmont Drive, Hialeah, Florida 33015 (CATS No. 24-FBI-007090).

v. **Christian Hernandez** filed claims for the following property:

- a. 2020 Black colored Audi S8 sedan, bearing VIN WAU8SAF81LN011111 (CATS No. 24-FBI-006743).

4. The undersigned counsel for the Claimants hereby represents he has advised the Claimants on any potential conflict of interest in regard to his joint representation of all of them as it pertains to this matter. Further, the undersigned counsel for the Claimants hereby represents that each Claimant knowingly and willfully waive any potential conflict of interest as it pertains to this matter.

5. The time has expired for any person to file a claim to the Seized Assets under 18 U.S.C. § 983. To date, no other person or entity, except as described in paragraph 3 above, has filed a claim to the property as required by law in the nonjudicial civil forfeiture proceeding.

6. Pursuant to 18 U.S.C. § 983(a)(3), within 90 days after a claim is filed, the United States is required to file a civil forfeiture complaint or obtain a criminal indictment containing an allegation that the property is subject to forfeiture. However, the Court may extend the period for filing a civil complaint for good cause shown or upon agreement of the Parties.³

7. Pursuant to 18 U.S.C. § 983(a)(3)(A)–(C), the deadline for the United States to file

³ The statute, in relevant part, reads:

- (A) Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims or return the property pending the filing of a complaint, except that a court in the district in which the complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.

18 U.S.C. § 983(3)(A).

a civil forfeiture complaint or obtain an indictment (or information) alleging that the Seized Assets are subject to forfeiture is February 25, 2025. The Parties have now agreed to extend this deadline by 91 days, until May 27, 2025.

8. Claimants, through their undersigned counsel, have knowingly, intelligently, and voluntarily agreed to give up any right they may have under 18 U.S.C. § 983(a)(3)(A)–(C) to require the United States to file a complaint for forfeiture against the property and/or to obtain an indictment (or information) alleging that the property is subject to forfeiture no later than February 25, 2025, and any right they may have to seek dismissal of any complaint and/or any indictment (or information) on the ground that it was not filed or returned on or before February 25, 2025.

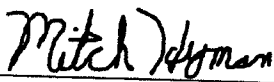
9. In addition, there is good cause to extend the deadline from February 25, 2025, to May 27, 2025, as the requested extension would afford the Parties additional time to gather information to resolve this matter.

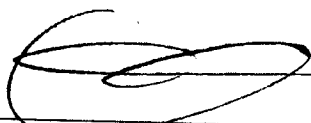
[THIS AREA LEFT INTENTIONALLY BLANK]

WHEREFORE, the Parties respectfully request that the Court grant this motion. A proposed order is attached.

Respectfully submitted,

HAYDEN P. O'BYRNE
UNITED STATES ATTORNEY

By:  Date: Feb. 12, 2025
Mitchell Evan Hyman
Assistant United States Attorney
Florida Bar No. 125405
99 N.E. 4th Street, 7th Floor
Miami, Florida 33132
Telephone: (305) 961-9283
Email: Mitchell.Hyman@usdoj.gov
Counsel for the United States

By:  Date: 2/13/2025
Carlos P. Gonzalez
Law Offices of Carlos P. Gonzalez, Esq., P.A.
3785 N.W. 82nd Ave., Suite 417
Miami, Florida 33166
Telephone: (786) 358-6888
Email: carlosgonzalezlaw@gmail.com
Counsel for:
GMCN Scrap Metals, Inc.
Gerardo Julio Hernandez Rosada
Marisol Hernandez Herrera
Nicole Hernandez Herrera
Christian Hernandez